**IN THE CLAIMS:**

Please AMEND the claims in accordance with the following:

1. (PREVIOUSLY PRESENTED) A communications method of performing communications by switching over a plurality of communication modes, comprising:

measuring a communication performance between a plurality of communication devices each comprising a CPU and a memory and being connected via a network, by measuring a communication time of each of the communication modes of one of the communication devices under a plurality of communication conditions comprising a version of an operating system corresponding to each of the communication devices;

obtaining a condition-based optimum communication mode in which the communication time in one of the communication modes of the one of the communication devices, exceeds a communication time of other communication modes per communication condition of the one of the communication devices; and

selecting the condition-based optimum communication mode in accordance with the communication condition when in communications with the other communication device, and performing the communications between the communication devices based on the condition-based optimum communication mode of the one of the communication devices.

2. (PREVIOUSLY PRESENTED) A communication device for performing communications with another communication device, each communication device comprising a CPU and a memory and being connected via a network, by switching over a plurality of communication modes, comprising:

a performance measuring module for measuring a communication performance of the communication device to the other communication device, by measuring a communication time of each of the communication modes of the communication device under a plurality of communication conditions comprising a version of an operating system corresponding to each of the communication devices;

a optimum mode obtaining module for obtaining a condition-based optimum communication mode in which the communication time of the communication device to the other communication device in one of the communication modes exceeds a communication time of other communication modes per communication condition based on the measured communication time; and

a selection module for selecting the condition-based optimum communication mode in accordance with the communication condition when in communications, to thereby perform the communications between the communication devices based on the condition-based optimum communication mode of the communication device.

3-5. (CANCELLED)

6. (CURRENTLY AMENDED) A computer readable medium storing a computer-executable program implementing a method of performing communications between a plurality of communication devices connected to a network, by switching over a plurality of communication modes, the method comprising:

measuring a communication performance between the plurality of communication devices, each communication device comprising a CPU and a memory and being connected via the network, by measuring a communication time of each of the communication modes of one of the communication devices under a plurality of communication conditions comprising a version of an operating system corresponding to each of the communication devices;

obtaining a condition-based optimum communication mode in which the communication time of one of the communication modes of the one of the communication devices, exceeds a communication time of other communication modes per communication condition of the one of the communication devices; and

selecting the condition-based optimum communication mode in accordance with the communication condition when in communications with the other communication device, and performing the communications between the communication devices based on the condition-based optimum communication mode of the one of the communication devices.

7. (CANCELLED)

8. (PREVIOUSLY PRESENTED) A communication device according to claim 2, further comprising:

a storage unit for storing a condition-based optimum communication mode,

wherein said performance measuring module measures the communication performance in the communications with said other communications device if not stored with the condition-based optimum communication mode in communications with said other communications device when performing the communications with said other communication device, and

said optimum mode obtaining module obtains the condition-based optimum communication mode.

9-11. (CANCELLED)